

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

ALEX PENLAND,

Petitioner,

: Case No. 1:18-cv-648

- vs -

District Judge Douglas R. Cole
Magistrate Judge Michael R. Merz

SEAN BOWERMAN, Warden,
Toledo Correctional Institution,

:

Respondent.

ORDER

This habeas corpus case is before the Court on Petitioner's Motion to Discharge Counsel (ECF No. 103).

Petitioner's counsel appeared in this case on June 21, 2021, Mr. Pattituce as the trial attorney and Ms. Meehan as co-counsel (ECF Nos. 95 & 96). They were not appointed to represent Petitioner, but were retained by him. Petitioner is entitled to be represented in this case by counsel of his choice or to proceed *pro se* as he sees fit. The docket will be modified to show that Petitioner is now proceeding *pro se* and his retained counsel will be treated as discharged as of the date of this Order.

Petitioner avers that he is discharging counsel under *Strickland v. Washington*, 466 U.S. 668 (1984). His right to be represented by counsel of his choice is independent of the decision in *Strickland* and the Magistrate Judge makes no finding as to whether counsel's performance meets the *Strickland* standard. Petitioners under 28 U.S.C. § 2254 have no Sixth Amendment right to

the effective assistance of counsel in such proceedings.

This Order has no intended effect on the fee arrangements between Petitioner and counsel, past, present, or future.

February 22, 2022.

s/ Michael R. Merz
United States Magistrate Judge